IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

MFA.No. 1149 of 2001()

OPMV.173/1995 of ADDL . MOTOR ACCIDENT CLAIMS TRIBUNAL, PALAKKAD.
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APPELLANT: PETITIONER

SATHEESH, S/O. K,.C.CHANDRAN,
MUTHANPURA HOUSE, MUNDUR POST
PALAKKAD (AGE 24 YEARS)

BY ADV. SRI.LEGY ABRAHAM

RESPONDENTS: RESPONDENTS
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1. **KRISHNAN, S/O.KUTTAPPAN,**
   AGE 34 YEARS, KUNNATH HOUSE,
   KALLIDIKODE,NPALAKKAD (DRIVER OF
   BUS – KL9/B-3225.

2. **V.K.BALACHANDRAN, S/O.KUTTIKRISHNAN GUPTAN**
   JAYANTHI, PARASSERRY P.O., KONGAD PALAKKAD
   AGE NOT KNOWN (OWNER OF BUS KL9/B-3225).

3. **THE UNITED INDIA INSURANCE**
   CO. LTD., BRANCH OFFICE- P.B. NO.
   61 G.B.ROAD, PALAKKAD.

BY ADV. SRI.P.MURALEEDHARAN - R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.1149 OF 2001 ()

Dated this the 24th day of July, 2007

J U D G M E N T

KOSHY,J.

Appellant claimant at the age of 19 met with a motor accident on 2.6.1994 and as a result of the accident, he lost one tooth. Another two teeth were broken and there was colour difference occurred on another tooth. He was treated for three days. Later he was treated by a dental specialist for one month. According to the claimant for replacing the teeth he has to spend Rs.10,000/-. He was not able to work for one month. He was employed in B.P.L. Sanyo Company as casual labourer. He was also treated for blunt injury on head with loss of right upper 1st incisor tooth and lose of 2nd upper right incisor. All the teeth were replaced. Tribunal has awarded only Rs.4,000/- for replacing the teeth and other medical expenses. For pain and sufferings only Rs.1,500/- was awarded. Considering the loss of one tooth and breaking up of

two teeth and head injury, we are of the opinion that for treatment expenses and pain and sufferings together another Rs.5,000/- ought have been awarded. The above Rs.5,000/- should be deposited by the 3rd respondent Insurance company with 8% interest from the date of application till deposit. On deposit of the above amount, appellant is free to withdraw the same. Accordingly this appeal is partly allowed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.1149 OF 2001 ()

J U D G M E N T

24th July, 2007